

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 18, 2015 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of May 11, 2015, reported having done so, found same correct.
 Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

PUBLIC HEARING

APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 160 FEET BY 160 FEET AT 575 FALLBROOK BOULEVARD, SUITE 109 ON JUNE 27, 2015 FROM 11:00 A.M. TO 1:00 A.M. (5/11/15 - PUBLIC HEARING & ACTION CONT'D TO 5/18/15 - Dallas Schilling, Manager of Schillingbridge Cork & Tap House, 575 Fallbrook Boulevard, came forward to state that this is their first year hosting the Schillingbridge Rhythm and Brews event. This event will have live bands, food, and alcohol. Mr. Schilling stated he had invited the surrounding neighbors and hopes that this event will bring people out to the Fallbrook area. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SALEOFF ENTERPRISES, INC. DBA SMOKER'S CORNER FKA WEST O OFFSALE FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS D LIQUOR LICENSE AT 1930 WEST O STREET TO 1545 CORNHUSKER HIGHWAY - Walter J. Scott, Manager of Smoker's Corner, 1545 Cornhusker Highway, came forward to state that the property located in West O had been sold and they moved operations to 1545 Cornhusker Highway. Mr. Scott shared that the new location will still have discount tobacco products, fountain drinks, snacks, and alcohol.

This matter was taken under advisement.

APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC DBA GLACIAL TILL VINEYARD & WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT 5500 OLD CHENEY ROAD ON JUNE 7, 14, 21 & 28, JULY 5, 12, 19 & 26, AUGUST 2, 9, 16, 23 & 30, SEPTEMBER 6, 13, 20 & 27, AND OCTOBER 4, 11, 18 & 26, 2015 FROM 10:00 A.M. TO 2:00 P.M. - Tim Murman, Glacial Till Vineyard & Winery, 5310 S. 37TH Street, came forward to state that this is an application for the Old Cheney Farmers Market, allowing them to serve beverages and sell off-sale.

This matter was taken under advisement.

SPECIAL PERMIT 168B - APPLICATION OF MCMASTER ENTERPRISES, INC. TO AMEND THE EXISTING SPECIAL PERMIT FOR A PARKING LOT IN A RESIDENTIAL DISTRICT, TO ALLOW FOR THE EXPANSION OF A PAVED PARKING LOT, AND TO ADJUST THE FRONT YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT SOUTH 13TH STREET AND H STREET - Loy Todd, President of NADCO and New Car & Truck Dealers Association, 701 S. 13th Street, came forward to share that they are located immediately south of this property. This has been mostly a parking lot but two buildings do exist in the corner of this property. He discussed his plans to purchase the property from McMasters, tear down the existing buildings, and finish the parking lot and match the existing boundaries of the lot. He believes that by doing this it will also improve the neighborhood.

This matter was taken under advisement.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE 70TH STREET, VAN DORN TO EASTBOROUGH PROJECT. CITY PROJECT NO. 540028. STATE PROJECT NO. LCLC-5247(13), CN 13243 - Miki Esposito, Director of Public Works & Utilities, came forward and stated that this is a resolution that will authorize an agreement between the City and NDOR to do construction phase services for the 70th, Van Dorn to Eastborough street project.

This matter was taken under advisement.

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APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND J.M. SEED, LLC DBA MILLER SEED COMPANY OF LINCOLN FOR PLANTING AND HARVESTING OF NATIVE GRASSES ON APPROXIMATELY 42 ACRES OF LAND IN STEVENS CREEK PARK LOCATED AT NORTH 98TH STREET AND ADAMS STREET - Lynn Johnson, Director of Parks & Recreation, came forward to state that this 68 acres of property was recently acquired to replace a piece of City owned park land located at 21st & M Street. Acquisition of this land is subject to federal land and water conservation fund provisions and one of the provisions is the need to provide public access. The interim plan is to seed down the site with native grasses, create a small rock parking lot, and mow a walking path through the site. Ultimately, over time, this location could be a community or regional park. Nebraska Game & Parks Commission and the National Park Service approves of this plan. They were approached by Miller Seed Company with the idea of allowing them to provide seed, planting, and preparation of this site; in exchange giving them the ability to harvest 42 acres of seed from this site. The city is receiving benefit from this by not having the initial site preparation cost, seeding cost, and no annual land management cost.

Council Member Camp inquired why the City is not harvesting any revenue from this.

Mr. Johnson said that the benefit is avoiding cost by not having to do the initial land preparation and management cost. Discussion followed.

This matter was taken under advisement.

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRONTIER HARLEY DAVIDSON, INC. FOR EIGHT POLICE MOTORCYCLES - Tom Casady, Director of Public Safety, came forward to state that they have been leasing motorcycles for 12 years now. This agreement is a two year renewal with an option with three more two year renewals. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A MULTI-YEAR CONTRACT BETWEEN NEBRASKA WESLEYAN UNIVERSITY AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO PROVIDE A PUBLIC HEALTH CLINICAL FOR NURSING STUDENTS FOR THE TERM OF APRIL 1, 2015 THROUGH MARCH 31, 2018 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88932

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department (LLCHD), and Nebraska Wesleyan University, to provide a public health clinical for nursing students for the term of April 1, 2015 through March 31, 2018, upon the terms and conditions set forth in said Service Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director, for transmittal to Nebraska Wesleyan University.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF MSKDJ, INC. DBA SCHILLINGBRIDGE CORK & TAP HOUSE FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 160 FEET BY 160 FEET AT 575 FALLBROOK BOULEVARD, SUITE 109 ON JUNE 27, 2015 FROM 11:00 A.M. TO 1:00 A.M. (5/11/15 - PUBLIC HEARING & ACTION CONT'D TO 5/18/15) - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88933

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of MSKDJ, Inc. dba SchillingBridge Cork & Tap House for a special designated license to

cover an outdoor area measuring approximately 160 feet by 160 feet at 575 Fallbrook Boulevard, Suite 109, Lincoln, Nebraska, on June 27, 2015, between the hours of 11:00 a.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF SALEOFF ENTERPRISES, INC. DBA SMOKER'S CORNER FKA WEST O OFFSALE FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS D LIQUOR LICENSE AT 1930 WEST O STREET TO 1545 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88934 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Saleoff Enterprises, Inc. dba Smoker's Corner, formerly known as West O Offsale, to move its presently licensed premises and existing Class "D" liquor license from 1930 West O Street to 1545 Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC DBA GLACIAL TILL VINEYARD & WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT 5500 OLD CHENEY ROAD ON JUNE 7, 14, 21 & 28, JULY 5, 12, 19 & 26, AUGUST 2, 9, 16, 23 & 30, SEPTEMBER 6, 13, 20 & 27, AND OCTOBER 4, 11, 18 & 26, 2015 FROM 10:00 A.M. TO 2:00 P.M. - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88935 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Glacial Till Vineyard & Winery, LLC dba Glacial Till Vineyard & Winery for a special designated license to cover an outdoor area measuring approximately 10 feet by 10 feet at 5500 Old Cheney Road, Lincoln, Nebraska, on April 26, May 3, May 10, May 17, May 24, and May 31, 2015, between the hours of 10:00 a.m. and 2:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked on all parties wishing to consume 1 oz alcohol sample and purchase bottles of wine for off-sale purchase only.
2. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

SPECIAL PERMIT 168B - APPLICATION OF MCMASTER ENTERPRISES, INC. TO AMEND THE EXISTING SPECIAL PERMIT FOR A PARKING LOT IN A RESIDENTIAL DISTRICT, TO ALLOW FOR THE EXPANSION OF A PAVED PARKING LOT, AND TO ADJUST THE FRONT YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT SOUTH 13TH STREET AND H STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88936 WHEREAS, McMaster Enterprises, Inc., has submitted an application designated as Special Permit No. 168B, to amend the existing special permit for a parking lot in a residential district, to allow for the expansion of a paved parking lot and to adjust the front yard setback, on property generally located at South 13th Street and H Street, legally described as:

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The East Half of Lot 8 and Lots 9 through 12, Block 126, Original Lincoln, located in the Northeast Quarter of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of McMaster Enterprises, Inc., hereinafter referred to as "Permittee", to expand a parking lot in a residential district and to adjust the required front yard setback, on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves expansion of an existing parking lot to increase the area by approximately 10,000 square feet and approves a reduction of the front yard setback along H Street from 10 feet to 5 feet.

2. Before receiving building permits:

a. The Permittee shall submit a revised and reproducible site plan including four copies showing the following revisions to the Planning Department for review and approval:

- I. Add a note to the site plan that states, "The front yard setback along H Street is reduced from 10 feet to 5 feet. No portion of the vehicle may be parked in the front yard setback."
- ii. Add a note to the landscape plan that states, "The landscaping shown on this plan will be installed at the time of building permit."
- iii. Add a note to the site plan that states, "The parking stalls and drive aisles shown on this plan are conceptual and subject to minor changes."
- iv. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

b. The Permittee shall provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Before occupying the parking lot, all development and construction shall substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established association approved by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.

7. The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving this permit shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE 70TH STREET, VAN DORN TO EASTBOROUGH PROJECT. CITY PROJECT NO. 540028. STATE PROJECT NO. LCLC-5247(13), CN 13243 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88937

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering services for the 70th Street, Van Dorn to Eastborough Project, City Project No. 540028, State Project No. LCLC-5247(13), CN 13243, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND J.M. SEED, LLC DBA MILLER SEED COMPANY OF LINCOLN FOR PLANTING AND HARVESTING OF NATIVE GRASSES ON APPROXIMATELY 42 ACRES OF LAND IN STEVENS CREEK PARK LOCATED AT NORTH 98TH STREET AND ADAMS STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88938 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and J. M. Seed, LLC d/b/a Miller Seed Company of Lincoln for planting and harvesting of native grasses on approximately 42 acres of land in Stevens Creek Park located at North 98th Street and Adams Street, for a four year term with the option to renew for additional terms as mutually agreed upon by the parties, is hereby approved and the Mayor is authorized to enter into and execute the Agreement and any necessary amendments on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed Agreement to Nicole Fleck-Tooze, Lincoln Parks and Recreation Department, for transmittal to J. M. Seed, LLC d/b/a Miller Seed Company of Lincoln.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRONTIER HARLEY DAVIDSON, INC. FOR EIGHT POLICE MOTORCYCLES - PRIOR to reading:

COOK Moved to continue Public Hearing with 3rd Reading & Action to 6/1/15.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK Read an ordinance, introduced by Leirion Gaylor Baird, accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson, Inc. for eight Harley Davidson police motorcycles for use by the Police Department, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS - (as required)

REPEALING ORDINANCE NO. 20160 CREATING SIDEWALK DISTRICT NO. 97, BEING 6844 LAURENT CIRCLE, AS THE SIDEWALK WAS BUILT BY OWNER - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapters 3.16 of the Lincoln Municipal Code relating to Sales and Use Tax, by amending Sections 3.16.010 to increase City Sales and Use Tax rate from one and on-half percent to one and three-quarters percent beginning on October 1, 2015 and ending on October 1, 2018, allowing the revenue raised from the additional one-quarter percent sales tax to go into non-general fund accounts, and repealing Sections 3.16.010 and 3.16.040 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20196**, is recorded in Ordinance Book #29.

AMENDING SECTION 3.16.010 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE LOCAL OPTION SALES TAX RATE BY 1/4 PERCENT FROM 1.5% TO 1.75% FOR THREE YEARS TO PAY FOR A NEW RADIO SYSTEM AND THE CONSTRUCTION OF THREE NEW FIRE STATIONS AND ONE JOINT POLICE/FIRE STATION - PRIOR to reading:

CHRISTENSEN Moved Motion to Amend #1 to amend Bill 15-61 as follows:

1. On page 1, line 1, delete the "s" on the word "Chapters".
2. On page 1, line 2, delete the "s" on the word "Sections".
3. On page 1, lines 4 and 5, delete the phrase " , allowing the revenue raised from the additional one-quarter percent sales tax to go into non-general fund accounts".
4. On page 1, line 5, delete the "s" on the word "Sections".
5. On page 1, line 6, delete the phrase "and 3.16.040".
6. ~~On page 1, line 18, after the word "upon", delete the word "the".~~ TJM
7. On page 1, line 19, delete the "s" on the word "Sections" and delete the phrase "and 3.16.040".
8. On page 1, line 20, delete the word "are" and insert in lieu thereof the word "is".

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Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, repealing Ordinance No. 20160 which created Sidewalk District No. 97, being 6844 Laurent Circle, as the sidewalk was built by the property owner, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20197**, is recorded in Ordinance Book #29.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBCO, INC. AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED IN THE LINCOLN WATER SYSTEM WELL FIELDS IN SAUNDERS COUNTY - CLERK read and ordinance, introduced by Carl Eskridge, approving a Real Estate Sales Agreement between the City of Lincoln and NEBCO, Inc., dba Western Sand & Gravel Co. authorizing the sale of approximately 3.5 acres of City owned property generally located in the Lincoln Water System wellfield adjacent to the sand and gravel operation in Saunders County, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20198**, is recorded in Ordinance Book #29.

RESOLUTIONS - 1ST READING - NONE.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

ADJOURNMENT

5:56 P.M.

CAMP Moved to adjourn the City Council Meeting of May 18, 2015.

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 18, 2015 AT 5:30 P.M.
(NEWLY ELECTED & RE-ELECTED CITY COUNCIL)**

RECONVENED: 6:03 P.M.

City Clerk, Teresa J. Meier, came forward to administer the Oath of Office to the re-elected Mayor, Chris Beutler, and to the re-elected City Council members, Jon A. Camp and Carl Eskridge, and to the newly elected City Council members, Jane Raybould and Cyndi Lamm. After administering the oath, she congratulated and presented the Mayor, re-elected City Council members, and the newly elected City Council members.

ELECTION OF COUNCIL CHAIR & VICE CHAIR

Mayor Chris Beutler, called the meeting to order and conducted nominations for Chairperson for the City Council.

CHRISTENSEN Nominated Trenton J. Fellers.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

As the newly elected Chairperson, Trenton J. Fellers conducted the nominations for the Vice Chair for the City Council.

ESKRIDGE Nominated Leirion Gaylor Baird.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

A RESOLUTION IN APPRECIATION OF DOUG EMERY FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - Council Member Carl Eskridge stated that former Council Chair Doug Emery is an outstanding colleague and unique individual. He shared that Mr. Emery's honesty and outrightness is impeccable and appreciated.

Council Member Roy Christensen thanked Mr. Emery for his ideas and conversations.

Council Member Leirion Gaylor Baird thanked Mr. Emery for his service and congratulated him on his retirement.

Council Member Cyndi Lamm thanked Mr. Emery on behalf of the residents of District One for his passion and support.

Council Chair Trent Fellers shared his appreciation and congratulated Mr. Emery on his future endeavors.

Council Member Jon A. Camp thanked Mr. Emery for his service.

This matter was taken under advisement.

A RESOLUTION IN APPRECIATION OF JONATHAN COOK FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - Council Member Carl Eskridge shared that former Council Member Jonathan Cook is a key individual who is passionate about parks, planning, and process. He thanked him for his service and impact on the community.

Council Member Roy Christensen thanked Mr. Cook for his participation in debates and shared that he will be missed.

Council Member Leirion Gaylor Baird shared that Mr. Cook is a role model for Council Members and that his intellect, commitment to service, and attention to details was very much appreciated.

Council Member Jane Raybould expressed her gratitude on behalf of northwest district and City of Lincoln. She stated that Mr. Cook has made a big impact in our community.

Council Member John Camp thanked Mr. Cook for his service and participation on the City's big projects and issues. He stated that Mr. Cook has left many footprints.

Council Chair Trent Fellers thanked Mr. Cook for his years of service and guidance.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 4, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF GLACIAL TILL VINEYARD & WINERY, LLC DBA GLACIAL TILL VINEYARD & WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT HAYMARKET FARMERS MARKET AT CANOPY ST. & Q ST. ON JUNE 13 & 20, JULY 4 & 18, AUGUST 1, 8, & 22, SEPTEMBER 5, 12, 26, AND OCTOBER 3, 2015 FROM 8 A.M. TO NOON - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88939 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Glacial Till Vineyard & Winery, LLC dba Glacial Till Vineyard & Winery for a SDL to cover an outdoor area measuring approximately 10 feet by 10 feet at Haymarket Farmers Market at Canopy St. & Q St. on June 13 & 20, July 4 & 18, August 1, 8, & 22, September 5, 12, 26, and October 3, 2015 from 8 a.m. to Noon.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF RED STRIKE INC., DBA SUN VALLEY LANES FOR AN ADDITION TO INCLUDE A STORAGE AREA MEASURING 8' X 45' TO THE WEST AT 321 VICTORY LANE - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88940 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Red Strike Inc., dba Sun Valley Lanes for an addition to include a storage area measuring 8' x 45' to the west at 321 Victory Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF NHC LLC DBA CRAWFORD'S FKA SOUTH CAMPUS FOR AN ADDITION TO TAKE OVER THE ADJACENT FORMER COMPADRES MEXICAN RESTAURANT - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88941 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of NHC LLC dba Crawford's (fka South Campus) for an addition to take over the adjacent former Compadres Mexican Restaurant at 101 N. 14th St., Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF HY VEE INC. DBA HY-VEE RESTAURANT FOR AN ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 10' X 50' AT 5020 N. 27TH STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88942 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Hy Vee Inc. dba Hy-Vee Restaurant for an addition of an outdoor area measuring approximately 10' x 50' at 5020 N. 27th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF WFM LLC DBA WHOLE FOODS MARKET FOR AN ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 83' X 10' AT 6055 O STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88943 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of WFM LLC dba Whole Foods Market for an addition of an outdoor area measuring approximately 83' x 10' at 6055 O Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE APPLICATION OF JSD LLC DBA HUSKERVILLE PUB AND PIZZA TO EXPAND FROM APPROXIMATELY 16' X 40' TO APPROXIMATELY 26' X 47' AT 2801 NW 48TH STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88944 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of JSD LLC dba Huskerville Pub and Pizza to expand from approximately 16' x 40' to approximately 26' x 47' at 2801 NW 48th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JILL COCKSON FOR TOP SPIN LLC DBA TAVERN ON THE SQUARE AT 816 P STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88945 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Jill Cockson for Top Spin LLC dba Tavern on the Square at 816 P Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 1, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ERIC FAY FOR WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO AT 826 P STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88946 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Eric Fay for Wadsworth Old Chicago, Inc. dba Old Chicago at 826 P Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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SETTING THE HEARING DATE AT MON., JUNE 1, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF COURTNEY CONRAD FOR ZRC OPERATIONS COMPANY DBA QDOBA MEXICAN GRILL AT 211 N. 12TH STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88947 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Courtney Conrad for ZRC Operations Company dba Qdoba Mexican Grill at 211 N. 12th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH, 2015 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGE FOR THE TIME PERIOD OF MARCH 31, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 15012 to Preliminary Plat #05003, Highland View, approved by the Acting Planning Director on May 5, 2015, requested by Civil Design Group, to revise the site plan for Blocks 13 and 24 and to change the cul-de-sac (Lander Court) to a through street (Aster Road), on property generally located at NW 12th Street and Highway 34.

Administrative Amendment No. 15036 to Special Permit #605B, Tierra West Community Unit Plan, approved by the Acting Planning Director on May 5, 2015, requested by Terry J. Stolle, to adjust the rear and side yard setback adjacent to an outlot to 3 feet, for a covered patio/deck on lots 14 through 29, Block 2, on property generally located at S. 30th Street And Stephanos Drive.

Administrative Amendment No. 15021 to Pre-Existing Use Permit #20A, Mini-Warehouse Facility, approved by the Acting Planning Director on May 5, 2015, requested by Clark Enersen Partners, to allow a mini-warehouse facility, on property generally located at N. Cotner Boulevard and N. 62nd Street.

Administrative Amendment No. 15037 to Pre-Existing Special Permit #1, Country Club Golf Course, approved by the Acting Planning Director on May 6, 2015, requested by Derrick Hensel, to add a shed adjacent to Woodsdale Boulevard, placed at least 50 feet from the property line, on property generally located at S. 27th Street and Calvert Street.

Administrative Amendment No. 15039 to Special Permit #632A, Abbot Estates Community Unit Plan, approved by the Acting Planning Director on May 5, 2015, requested by Kenneth & Lisa Holmstrom, to adjust the rear and side yard setback adjacent to an outlot to 3 feet, for a deck on lots 1 through 4, Block 1, on property generally located at Abbott Road and Old Cheney Road.

Administrative Amendment No. 15023 to Special Permit #1992A, Edenton Woods Community Unit Plan, approved by the Acting Planning Director on May 8, 2015, requested by Civil Design Group, to adjust the rear setback for Lots 29 through 41, Block 1 from 20 feet to 15 feet, on property generally located at Ashbrook Drive and Highway 2.

Administrative Amendment No. 15035 to Special Permit #1665C, Van Dorn Meadows Community Unit Plan, approved by the Acting Planning Director on May 8, 2015, requested by Civil Design Group, to revise the landscape plan to show two existing trees to be removed and replaced with four spruce trees adjacent to units 17 through 20, and to remove the five trees located near the south lot line in the vicinity of Units 5 and 20 to accommodate the storm water drain being installed along the east and south boundaries, and to revise notes accordingly, on property generally located at S. 70th and Holmes Park Road.

Administrative Amendment No. 15040 to Special Permit #05002, Foreman Ridge Addition Community Unit Plan, approved by the Acting Planning Director on May 8, 2015, requested by Civil Design Group, to transfer the buildable lot designation between Lot 2, Block 3 and Outlot O within Foreman Ridge, on property generally located at SW 12th Street and W. Foreman Drive.

LIQUOR RESOLUTIONS - NONE

PUBLIC HEARING - RESOLUTIONS

A RESOLUTION IN APPRECIATION OF DOUG EMERY FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88948 WHEREAS, DOUG EMERY has heretofore well and truly served as a member of the Lincoln City Council from May, 2007 to May, 2015; and WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Doug's untiring

service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

DOUG EMERY

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Jon A. Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

A RESOLUTION IN APPRECIATION OF JONATHAN COOK FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-88949 WHEREAS, JONATHAN COOK has heretofore well and truly served as a member of the Lincoln City Council from May, 1999 to May, 2015; and WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Jonathan's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

JONATHAN COOK

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Jon A. Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

ORDINANCES - 3RD READING & RELATED RESOLUTIONS - (as required) - NONE

RESOLUTIONS - 1ST READING

APPOINTING JAMES BOWERS TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2018.

REAPPOINTING JANET GOODMAN-BANKS TO THE KENO HUMAN SERVICES ADVISORY BOARD FOR A TERM EXPIRING DECEMBER 31, 2018.

APPOINTING BRIAN WACHMAN TO THE KENO HUMAN SERVICES ADVISORY BOARD FOR A TERM EXPIRING DECEMBER 31, 2017.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN FIREFIGHTERS ASSOCIATION (IAFF) FOR A TERM EFFECTIVE AUGUST 14, 2014 THROUGH AUGUST 31, 2015.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-14, 2015.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 15004 - VAVRINA MEADOWS PLANNED UNIT DEVELOPMENT APPLICATION OF R.C. KRUEGER DEVELOPMENT COMPANY, FOR A CHANGE OF ZONE TO ADD AN OVERLAY PLANNED UNIT DEVELOPMENT ("PUD") DESIGNATION UPON EXISTING R-3 RESIDENTIAL DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND H-4 GENERAL COMMERCIAL DISTRICT PROPERTY; FOR APPROVAL OF SPECIAL PERMITTED USES FOR A

RESIDENTIAL HEALTH CARE FACILITY AND EARLY CHILDHOOD CARE FACILITY; AND FOR APPROVAL OF THE DEVELOPMENT PLAN FOR THE PUD, WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jon A. Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 15010 - APPLICATION OF MADISON AVENUE LOFTS, LLC, TO DESIGNATE THE FORMER NEBRASKA WESLEYAN HOSPITAL AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM B-3 TO B-3 WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND MADISON AVENUE - CLERK read an ordinance, introduced by Jon A. Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

STREET & ALLEY VACATION 15003 - VACATING THE REMAINING PORTION OF THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY M STREET, SOUTH 21ST STREET, N STREET, AND SOUTH 20TH STREET - CLERK read an ordinance, introduced by Jon A. Camp, vacating the remaining portion of the east-west alley in the block bonded by M Street, South 21st Street, N Street, and South 20th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

OPEN MIC

Jane Svoboda, no address given, came forward with comments on various issues.
This matter was taken under advisement.

ADJOURNMENT

6:26 P.M.

CAMP Moved to adjourn the City Council Meeting of May 18, 2015.
 Seconded by Gaylor Baird and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Soulinnee Phan, Office Specialist